

E-filing

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9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 In re GILEAD SCIENCES SECURITIES  
LITIGATION

Master File No. C-03-4999-MJJ

**CLASS ACTION**

15  
16 This Document Relates To:

17 ALL ACTIONS  
18  
19

**STIPULATION AND ~~PROPOSED~~ ORDER  
RE: EXTENSION OF TIME TO FILE  
REPLY TO PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS THE  
FOURTH AMENDED COMPLAINT**

20 Pursuant to Civil Local Rules 6-1, 6-2, 7-12, and the Standing Orders of the Hon. Martin  
21 J. Jenkins, the parties stipulate, and the Court hereby orders, as follows:

22 1. On November 8, 2005 this Court filed the Stipulation And Order Re Filing Of The  
23 Fourth Amended Complaint And Briefing Schedule ("FAC Briefing Order"), which provided that  
24 Plaintiffs' Fourth Amended Complaint ("FAC") be filed by December 2, 2005, that Defendants'  
25 motion to dismiss the FAC be filed by December 23, 2005 and that Plaintiffs' opposition be filed  
26 by January 17, 2006. Defendants were to have fourteen days to reply to Plaintiffs' opposition,  
27 with the reply brief therefore scheduled to be filed by January 31, 2006. The hearing as to  
28 Defendants' motion to dismiss was set for February 14, 2006.

**FILED**

JAN 24 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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1           2. Pursuant to the FAC Briefing Order, Plaintiffs filed the FAC on December 2, 2005  
2 and Defendants filed their Motion to Dismiss Plaintiffs' Fourth Amended Complaint on  
3 December 22, 2005.

4           3. On January 13, 2006, pursuant to plaintiffs' request and defendants' subsequent  
5 agreement, the parties filed a Stipulation And Proposed Order Permitting Briefs To Be Filed In  
6 Excess Of Page Limitations "(Excess Page Limit Stipulation)". This stipulation provided for an  
7 opposition brief not to exceed thirty pages of text and a reply brief not to exceed twenty pages of  
8 text.

9           4. Pursuant to the FAC Briefing Order, Plaintiffs filed their Opposition to  
10 Defendants' Motion to Dismiss ("Opposition") on January 17, 2006. Plaintiffs' Opposition is  
11 twenty-nine pages in length.

12           5. On January 20, 2006 this Court issued an Order denying the Excess Page Limit  
13 Stipulation.

14           6. On January 20, 2006 Plaintiffs filed their Corrected Opposition to Defendants'  
15 Motion to Dismiss ("Corrected Opposition"). The Corrected Opposition is twenty-five pages in  
16 length.

17           7. Defendants and plaintiffs have met and conferred and **IT IS STIPULATED AS**  
18 **FOLLOWS:**

19           8. In recognition of the above, and to permit Defendants the intended fourteen days  
20 to respond to the operative opposition brief, the parties agree that Defendants shall file their reply  
21 brief by February 3, 2006.

22           9. The parties hereby request that the February 14, 2006 hearing date remain on  
23 calendar.

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February 23, 2006

/s/

Grant P. Fondo

Attorneys for Defendants  
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February 23, 2006

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/s/

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#### ORDER

On the stipulation of the parties, and good cause appearing, Defendants shall file their  
reply to Plaintiffs' Opposition by February 3, 2006. The hearing on this matter remains on  
calendar for February 14, 2006.

IT IS SO ORDERED.

DATED: 1/24/2006

  
Hon. Martin J. Jenkins  
United States District Judge